

SN. 10/644,596

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REMARKS

Claims 1-9 remain pending in this application for which applicants seek reconsideration.

Amendment

A more descriptive title has been provided. Claims 1 and 3-8 have been amended. Claim 4 has been amended to remove the antecedent basis problem ("the first predetermined speed") by replacing "the" with --a--. Allowable claims 4, 5, 8, and 9 have been placed in independent form. Moreover, the superfluous language "while controlling the speed of the sheet bundle to be maintained at" has been deleted from claims 3, 4, 5, and 7-9. Lastly, independent claims 1 and 6 have been amended to define that the controller controls the discharge speed of the sheet bundle in different ways. No new matter has been introduced.

Allowable Claims

Claims 4, 5, 8, and 9 were indicated to be allowable if they are placed in independent form. As these claims have been placed in independent form, they are in condition for allowance. Applicants submit that the superfluous language deleted from these claims is not germane to patentability (redundant to the claim language "discharge the sheet bundle at a first [or second] predetermined speed").

§ 112 Rejection

Claims 4 and 8 were rejected under 35 U.S.C. § 112, second paragraph, because the phrase "the first predetermined speed" lacks antecedent basis. Applicants note that only claim 4 has the antecedent problem. In any event, this rejection has been obviated.

Art Rejection

Claims 1, 2, 3, 6, and 7 were rejected under 35 U.S.C. § 102(b) as anticipated by Sato (JP 11-286353) or the U.S. counterpart, USP 6,574,011. Applicants submit that independent claims 1 and 6 distinguish over Sato because Sato would not have taught controlling the discharge speed of the sheet bundle in different ways, depending on different stapling operation

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or non-stapling operation, as set forth in claims 1 and 6.

Sato (USP 6,574,011) discloses a stapler 601 having a one-point staple sort mode and a two-point staple sort mode. But in both modes, after the stapling operation terminates, rollers 680a and 680b discharge the sheaf to the stack tray 700. See column 10, lines 14-15, where it explicitly states that the "[discharge] operation [of the two-point staple mode] is identical with that in the one-point staple sort mode." In sum, Sato discharges the one-point stapled sheaf and the two-point stapled sheaf in using the same speed control.

In contrast, claim 1 calls for controlling the discharge speed of the sheet bundle in different ways between in a case where the stapling device staples the sheet bundle at one point thereof and in a case where the stapling device staples the sheet bundle at two points thereof. Claim 6 calls for controlling the discharge speed of the sheet bundle in different ways between in a case where the stapling device staples the sheet bundle and a case where the stapling device does not staple the sheet bundle. Applicants submit that Sato would not have disclosed or taught the invention set forth in claims 1 and 6.

Conclusion

Applicants submit that claims 1-9 patentably distinguish over Sato and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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Date

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